

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROB J. SIMMONS,

No. C 09-03345 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

OFFICER JOHNASSEN, et al.,

Defendants.

On July 21, 2009, Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983, and this action was assigned to the Honorable Ronald M. Whyte. On the same day the action was filed the Clerk of the Court sent a notice to Plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk sent Plaintiff a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed.

On September 11, 2009, Judge Whyte reassigned this case to the undersigned.

More than thirty days have passed and Plaintiff has not paid the required filling fee or submitted his in forma pauperis application.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: 10/16/2009



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SIMMONS et al,
Plaintiff,

Case Number: CV09-03345 CW

v.

CERTIFICATE OF SERVICE

JOHNASEN et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rob J. Simmons G55339
San Quentin State Prison
San Quentin, CA 94974

Dated: October 16, 2009

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk

United States District Court
For the Northern District of California